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## BEFORE THE ARIZONA CORPORATION COMMISSION

## COMMISSIONERS

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION

DOCKET CONTROL

SUSAN BITTER SMITH - Chairman

MAR 24 2015

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BOB STUMP

BOB BURNS

DOUG LITTLE

TOM FORESE

DOCKETED BY

RC

IN THE MATTER OF THE APPLICATION OF  
AMERICAN BROADBAND AND  
TELECOMMUNICATIONS COMPANY FOR  
DESIGNATION AS A WIRELESS ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE  
STATE OF ARIZONA.

DOCKET NO. T-20924A-15-0068

**PROCEDURAL ORDER**  
**(Grants Intervention)**

## BY THE COMMISSION:

On March 2, 2015, American Broadband and Telecommunications Company ("American" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for designation as an Eligible Telecommunications Carrier ("ETC") in Arizona. American's application seeks designation as a wireless ETC for the purpose of receiving Federal Universal Service ("FUS") support to provide wireless services under the Lifeline program to eligible households in Arizona.

On March 9, 2015, the Arizona Local Exchange Carriers Association ("ALECA") filed a Motion to Intervene ("Motion"). The Motion states that ALECA is comprised of small telephone companies and member-owned cooperatives, all of which are providing local exchange telecommunications services to customers in rural, high-cost areas of Arizona, and all of which are "rural telephone companies" as defined by the Communications Act of 1934, as amended.<sup>1</sup> ALECA's Motion states that its members receive FUS support and each provides discounted Lifeline telephone services. Further, ALECA states that American's request for designation as an ETC may raise jurisdictional issues regarding the provision of services on tribal lands.

On March 16, 2015, a joint Stipulation was filed by ALECA and American ("Stipulation"). The Stipulation states that American is seeking wireless ETC designation, but not on federally

<sup>1</sup> ALECA'S members are: Fort Mojave Telephone Company; Frontier Communications Corporation; Gila River Telecommunications, Inc; Hopi Telecommunications, Inc.; Midvale Telephone Exchange, Inc.; San Carlos Apache Telecommunications Utility, Inc.; South Central Communications; Table Top Telephone Company, Inc; TDS; Tohono O'odham Utility Authority; Valley Telephone Cooperative; and Zona Communications.

1 recognized tribal lands; American will not provide Lifeline service to eligible residents residing on  
2 tribal lands in Arizona without filing a copy of the tribal license or other form of approval with the  
3 Commission in this docket; and American's Lifeline application will require applicants to provide a  
4 street address and under penalty of perjury to self-certify that they do not reside on federally  
5 recognized tribal lands in Arizona or identify the tribal land where they reside. Under the Stipulation,  
6 ALECA does not oppose American's application in this docket and ALECA states that a hearing is  
7 not necessary to address ALECA's concerns.

8 Accordingly, ALECA's Motion should be granted.

9 IT IS THEREFORE ORDERED that ALECA is granted intervention in this proceeding.

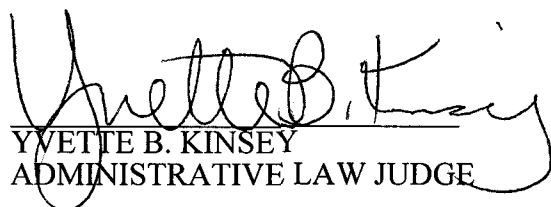
10 IT IS FURTHER ORDERED that each party to this matter may opt to receive service of all  
11 Procedural and Recommended Orders issued by the Commission's Hearing Division in this matter  
12 via e-mail rather than U.S. Mail, as permitted under A.A.C. R14-3-107(B). To exercise this option, a  
13 party shall send to [hearingsdivision@azcc.gov](mailto:hearingsdivision@azcc.gov), from the e-mail address at which the party desires to  
14 receive service, an e-mail request including the name of the party on whom service is to be made and  
15 the docket number for this matter. After a party receives an e-mail confirmation of its request from  
16 [hearingsdivision@azcc.gov](mailto:hearingsdivision@azcc.gov), the party will receive all future Procedural and Recommended Orders  
17 issued by the Hearing Division in this matter via e-mails to the address provided by the party, unless  
18 and until the party withdraws its request. Service of a document via e-mail shall be considered  
19 complete upon the sending of an e-mail containing the document to the e-mail address provided by a  
20 party, regardless of whether the party receives or reads the e-mail containing the document.

21 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
22 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

23 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
24 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
25 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
26 all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
27 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
28 Administrative Law Judge or Commission.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
3 hearing.

4 DATED this 24<sup>th</sup> day of March, 2014.

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6   
7 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed  
9 this 24<sup>th</sup> day of March, 2015 to:

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